IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Crl.MC.No. 10876 of 2002()

CC.324/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT, CHAVAKKAD

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PETITIONER: ACCUSED:

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1. E.K.DAYANANDAN,
   ARIYIL, THIRUVENKIDAM, IRINGAVAMSOM, CHAVAKKAD.

2. E.K.PRAKASHAN,
   ARIYIL, THIRUVENKIDOM, IRINGAVAMSOM, CHAVAKKAD.

3. SURESH T.S.,
   THAIVALAPPIL, THYCAUD, CHAVAKKAD.

4. T.P.GHOSH,
   THAIVALAPPIL, THYCAUD, CHAVAKKAD.

5. T.C.ANTONY,
   THIRUVENKIDOM, IRINGAPRAM, CHAVAKKAD.

BY ADV. SRI.VAKKOM N.VIJAYAN
SMT.V.RENJU
SMT.RAGAM.K.P.
SRI.M.B.ANEESH BABU

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY ITS PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. THE CIRCLE INSPECTOR OF POLICE,
   GURUVAYOOR.

3. THE SUSHEELA,
   POLAKANDATHU VEEDU, THIRUVENKIDOM, IRINGAPURAM,
   PUTHENPALLI, CHAVAKKAD.

BY ADV. SRI.M.V.MATHEW
PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NOS.8507/2002 & 3155/2003 IN CRL.M.C. NO.10876/2002

CLOSED..

SD/- K.R.UDAYABHANU, JUDGE

16/08/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

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Crl.M.C.No.10876 of 2002

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Dated this the 16th day of August, 2007

O R D E R

The petitioners are the accused in C.C.No.324/2002 with respect to the offences under Sections 143, 147, 149, 341, 354, 323, 324, 452, 506 and 34 I.P.C. It is submitted that the private complaint filed is consequence to a number of litigations in between the parties. It is also mentioned that S.T.No.6229/1999 is pending against the complainant before the Judicial Magistrate of the First Class, Chavakkad. Further more O.S.No.139/1995 filed by the petitioners against the complainant was decreed. Annexure-II judgment is the order of this Court granting police protection to the petitioners against the complainant and her son. It is further pointed out that the alleged incident is mentioned to have taken place on 16/02/1995 and the complaint is filed on 09/01/2001. Annexure-I is the copy of the complaint. It is seen that no reason is mentioned for the long delay in initiating the proceedings. In the circumstances, it appears that the complaint is

filed only as an act of reprisal or counterblast and that no purpose will be served in proceeding with the matter after a gap of more than five years.

In the circumstances, C.C.No.324/2002 pending before the Judicial Magistrate of the First Class, Chavakkad, is hereby quashed. The Crl.M.C is allowed as above.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.M.C.No.10876 of 2002

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O R D E R

16th August, 2007